

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

Case No. 22-81574-CV-MIDDLEBROOKS

MICHAEL BASKT,

Plaintiff,

v.

BASA INVESTMENTS LLC, et al.

Defendants.

/

ORDER OF ARREST FOR CRIMINAL CONTEMPT

THIS CAUSE comes before the Court upon Plaintiff's two Emergency Motions Enforcing Contempt Orders against Mr. Ariel Banegas and Ms. Astrid Banegas (DE 3; DE 4), filed October 10, 2022 in U.S. Bankruptcy Court and, the Order of Reference to this Court by U.S. Bankruptcy Judge Erik P. Kimball on October 13, 2022. (DE 1-1 citing Bankruptcy Court case numbers 22-10741-EPK, 22-12083-EPK, and 22-12084-EPK (jointly administered under Case No. 22-10741-EPK)). The Defendants are accused of committing willful and repeated violations of Judge Kimball's orders. Based upon the severity of the Defendants' actions, as described in Judge Kimball's Order of Reference and the bankruptcy trustee's Emergency Motions, Judge Kimball recommends a term of incarceration as punishment.

Fed. R. Civ. P. 42(a) controls out-of-court criminal contempt. Rule 42 states: "Any person who commits criminal contempt may be punished for that contempt after prosecution on notice." Rule 42 allows the initiation of a contempt proceeding by one of three ways: (1) notice in open court, (2) an order to show cause, (3) or in an *arrest order*. Consistent with Rule 42, this Order

states below “the time and place of trial” and Defendants are hereby afforded a “reasonable time to prepare a defense.” Fed. R. Crim. P. 42(a)(1).

This Order incorporates by reference the verified Emergency Motions (DE 3; DE 4), and Judge Kimball’s “Order Referring Motions for Criminal Contempt to District Court” (DE 1-1), which combined contain “the essential facts constituting the charged criminal contempt” within the meaning of Rule 42. The information set forth in these filings set forth probable cause to believe that Mr. Ariel Banegas and Ms. Astrid have endangered and are continuing to endanger the safety of the public, and as such immediate arrest is warranted.

It is hereby **ORDERED and ADJUDGED**:

(1) Warrants for the arrest of Mr. Ariel Banegas and Ms. Astrid Banegas **SHALL ISSUE**.

Such warrants are attached to this Order.

(2) Pursuant to Fed. R. Crim. P. 42, a trial will be held on **November 21, 2022, at 10:00 a.m.**

or such later date as the Court may set, before the Honorable Donald M. Middlebrooks, District Judge, in the Paul Rogers Federal Courthouse, West Palm Beach, FL.

(3) The Clerk of Court is hereby **DIRECTED** to open a new criminal matter for the purpose of the prosecution of this Criminal Contempt case, with this Arrest Order serving as the charging document.

SIGNED in Chambers, at West Palm Beach, Florida, this 14th day of October 2022.



Donald M. Middlebrooks
United States District Judge

cc: Counsel of Record
U.S. Bankruptcy Judge Erik P. Kimball